

CHAPTER XXXVIII

*An act to prevent the growth and spread of Canada Thistles.*February 29,
1872.

SECTION 1. The Canada thistle declared a common nuisance.

2. Land owners to be fined for allowing them to grow.
3. Penalty for refusal or neglect to extirpate them. Town supervisors to have them destroyed.
4. Justices of the peace to have jurisdiction of all civil actions arising under this act.
5. Fines collected to be paid into the town treasuries.
6. Appeals to the district court allowed.
7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the weed known as Canada thistle is hereby declared to be a common nuisance for all the purposes of this act.

Canada thistle
a common
nuisance.

SEC. 2. Any person or persons owning any lands within this state or occupying or having control of any lands, whether within the plat of towns, villages or cities, or otherwise, within this state knowingly permitting or suffering any Canada thistle or thistles to go to seed upon any land or lands thus owned, occupied or under the control of such person or persons, shall be deemed guilty of maintaining and supporting a common nuisance, and upon conviction thereof in any court having competent jurisdiction of the offence, shall be punished by fines not exceeding fifty dollars nor less than five dollars, said fine to go into the town treasury where such thistle or thistles are permitted to grow.

Penalty for
allowing them
to grow.

SEC. 3. In case any person or persons, railroad company or other incorporation owning or occupying any lands within this state or having any lands within this state under his or her, or their control as the case may be, shall refuse or neglect to destroy any Canada thistle or thistles, growing or standing upon any land or lands so owned, occupied or controlled, it shall be the duty of the town supervisors or other person or persons having control of the

Penalty for ne-
glect to destroy
them. Duties
of town super-
visors.

public highways, streets or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles, shall keep a correct account of all moneys paid out for that purpose and charge the same to the person or persons or incorporation owning, occupying or controlling the land or lands upon which such thistle or thistles was destroyed, and the person or persons or corporation owning, occupying or having control of such lands shall be liable in a civil action for the amount so charged against them and costs of suit, provided, that if any supervisor or other person having under the authority of this act destroyed any Canada thistles and is unable to find the owner of the land or is unable to collect such money, the same shall be paid by the town authorities of the town, village or city where such thistles were destroyed, and, provided further, that in case any railroad company becomes chargeable, under the provisions of this section, the supervisors of the township where the same has become chargeable, may certify to the same to the county attorney of their county whose duty it shall be to bring and prosecute a civil action against the railroad company for the amount so charged and costs of suits aforesaid.

Prosecutions
to be before
justice of the
peace.

SEC. 4. Justices of the peace shall have jurisdiction within their respective counties of all violations of the provisions of this act, and it shall be competent for any person to complain of and prosecute any person or persons, railroad company or other corporation violating the same, and it is hereby made the duty of every person having knowledge of any Canada thistle or thistles growing or standing upon the land of another to immediately destroy the same or give the person owning or occupying such lands immediate notice thereof.

Fines to go
into town
treasury.

SEC. 5. All fines collected by any justice of the peace or any other person under the provision of this act shall be paid into the treasury of the proper town, village or city within ten days after the same is collected.

Appeals to dis-
trict court.

SEC. 6. Any person fined under the provisions of this act feeling himself aggrieved may appeal to the district court of the proper county in the same manner and within the same time that appeals are allowed by law in justice court in other criminal actions.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.